



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**JUN 17 2013**

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Robert M. Paskiewicz

Chicago, IL 60657

RE: MUR 6669

Dear Mr. Paskiewicz:

On June 11, 2013, the Federal Election Commission reviewed the allegations in your complaint dated October 17, 2012. On the basis of the information provided in your complaint and information provided by respondents Duckworth for Congress and Nancy Chen in her official capacity as treasurer, the Commission determined to dismiss the allegation that the respondents violated 2 U.S.C. § 434(a)(2)(iii). Accordingly, on June 11, 2013, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which more fully explains the Commission's findings, is enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Anthony Herman  
General Counsel

Jeff S. Jordan /ph/

BY: Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination and  
Legal Administration

Enclosure:  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS: Duckworth for Congress and  
Nancy Chen, as treasurer**

**MUR 6669**

**I. INTRODUCTION**

This matter was generated by a Complaint filed by Robert M. Paskiewicz alleging violations of the Federal Election Campaign Act of 1971, as amended ("Act") by Duckworth for Congress and Nancy Chen in her official capacity as treasurer (the "Committee"). It was scored as a low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complainant, Robert M. Paskiewicz, asserts that Duckworth for Congress and Nancy Chen in her official capacity as treasurer violated the reporting requirements under 2 U.S.C. § 434(a)(2)(iii) by failing to file a complete 2012 October Quarterly Report within fifteen days after the last day of the quarter, as required by the Act. Compl. at 1. The Complaint states that the quarterly report filed by the Committee on October 15, 2012 covered only the month of September and failed to include information for the months of July and August, thereby violating the Act. *Id.* The Complaint includes two documents in support of Complainant's assertion, in the form of a screen shot of the FEC's Committee Details page and a copy of the Committee's FEC Form 3, Page 1. Compl. at 2-3.

1 In its response, the Committee acknowledges that its 2012 October Quarterly Report to  
2 the FEC filed on October 15, 2012 was incomplete and only contained information for the month  
3 of September 2012. Resp. at 1. The Committee asserts that its original reporting file was  
4 extremely large and had been split into two files, one covering the months of July and August  
5 and the other covering the month of September. *Id.* Due to inadvertent error, the Committee  
6 concedes that only the second file was uploaded on October 15, 2012, and that when the error  
7 was discovered early the next morning, the Committee took immediate steps to correct the error  
8 and uploaded the missing file by 10:00 AM on October 16, 2012. *Id.* at 1–2. Because of the  
9 minimal delay in filing and the Committee’s response to the initial error, the Committee requests  
10 that the Commission dismiss this Complaint. *Id.* at 2.

11 **B. Legal Analysis**

12 The Committee was required to report all of its activity for the October quarterly period  
13 (July through September) on its disclosure report pursuant to 2 U.S.C. § 434(a)(2)(iii). Although  
14 the Committee inadvertently left off two months of activity, it took remedial steps and  
15 subsequently filed a complete report. In light of the remedial action taken by the Committee,  
16 within 24 hours of the omission and before notification from the FEC, and in furtherance of the  
17 Commission’s priorities, relative to other matters pending on the Enforcement docket, the  
18 Commission exercised its prosecutorial discretion and dismissed this matter as to the Committee  
19 pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985).